July 11, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Re: Redistribution of Surrendered Spectrum in the 2 GHz MSS Band

Dear Ms. Dortch:

In recognition of the importance to the public interest of a competitive mobile satellite service ("MSS") industry, BRN Phoenix, Inc. urges the Commission to promptly redistribute spectrum surrendered by the Boeing Company ("Boeing"), Iridium 2 GHz LLC ("Iridium"), and Celsat, Inc. ("Celsat") to the remaining licensees in the 2 GHz MSS band. Such action will provide TMI Communications and Company Limited Partnership, which is affiliated with TerreStar Networks Inc., and ICO Global Communications (Holdings) Limited (collectively, "the 2 GHz providers") each with a *pro rata* 2 x 10 MHz assignment – the minimum spectrum required to economically deliver to the public the full benefits of broadband MSS with ancillary terrestrial component ("ATC").

The redistribution of the surrendered 2 GHz spectrum to the remaining 2 GHz MSS providers will facilitate the delivery of broadband services to currently un-served or under-served areas, will increase MSS/ATC system capacity and thus economies of scale, and will thus help to provide affordable voice and broadband data services to millions of Americans, including those in the public safety and homeland security community. Unlike terrestrial networks, an MSS/ATC network is truly ubiquitous. First responders with MSS/ATC-equipped communications devices would be able to communicate from virtually *any* location in the continental United States and beyond, including the most rural areas as well as the mostly densely-populated "urban canyon" areas. Because MSS/ATC networks are redundant, offering space-based and terrestrial communications connectivity, they are considerably less vulnerable to attack than terrestrial-only wireless systems and the wireline telephone network.[1]

If MSS/ATC technology is ubiquitously deployed, it would be an extremely valuable tool during times of emergency. Generating the capacity and related economies of scale to cost-effectively deploy widely MSS/ATC-enabled communications equipment, however,

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[1] *See, e.g.*, Comments of TerreStar Networks Inc., WT Docket 05-157, at 1 (filed April 28, 2005), *citing* 19 FCC Rcd. 16830, 16836 (2004) (discussing the immediate aftermath of the terrorist attacks of Sept. 11, 2001, and noting that "satellite communications … were used to initiate the movement of equipment and personnel into the affected areas for restoration purposes and to coordinate their work.").

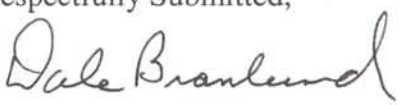
requires access to sufficient spectrum. Sufficient spectrum is also required to enable broadband and multimedia services over MSS/ATC. Quasi-broadband 3G air interfaces that require carrier bandwidths of 2 x 5 MHz are already in use in Europe & Japan. One example of such a broadband technology is W-CDMA. Other 4G standards, currently under development and prototyping, are based on pure Internet Protocol (IP) high-speed packet-data transport and require carrier bandwidths that exceed 5 MHz (e.g., OFDMA and WiMAX technologies specify carrier bandwidths from 10 to 20 MHz). These 4G standards are expected to be in use within the next 3 to 5 years.

Any MSS/ATC system currently under development and in need of significant investment cannot preclude the option of any of the emerging broadband 4G standards. In light of this, and taking into account the 15 year life expectancy of geostationary satellites the necessity for future proofing against broadband obsolescence is clear. With a 2 x 10 MHz spectrum allocation, a MSS/ATC system will be able to offer broadband and multimedia services at competitive 4G data rates substantially over its life expectancy.

Owing to the ubiquitous nature of satellite technology with ATC, an MSS/ATC system with sufficient spectrum would provide affordable and sophisticated mobile voice and data services to consumers in traditionally underserved areas. Congress and the Commission have appropriately focused on the need for bringing the next generation of mobile communications technology to *all* Americans. Providing the 2 GHz providers with the spectrum assignment necessary to deploy a robust MSS/ATC service will honor that commitment.

To ensure that the unique public interest benefits of MSS/ATC technology can reach as many consumers as possible, the Commission should not allow uncertainty as to the spectrum assignment for the 2 GHz providers to persist. Further delay would be especially detrimental to first responders, homeland security agencies, and rural consumers. Accordingly, BRN Phoenix, Inc. urges the Commission to promptly redistribute the surrendered 2 GHz MSS spectrum in its entirety to the remaining licensees in that band.

Respectfully Submitted,



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